

**CITY OF ST CLAIR  
PLANNING COMMISSION MEETING  
WEDNESDAY, JUNE 8, 2022 – 7:00 P.M.  
547 N. CARNEY DRIVE – COUNCIL CHAMBERS**

**CALL TO ORDER:** Vice Chairman Dan McCartney called the meeting to order at 7:00 pm.

**ROLL CALL:**

Chairman	Terry Beier	Vice-Chair	Dan McCartney
Council Rep	Mike Laporte	Member	Nancy Beaudua
Member	Steve Grates	Member	Paul Wade
Member	Matthew Griffor		

**ABSENT:** Terry Beier

*Nancy Beaudua made a motion to excuse Terry Beier, supported by Mike Laporte. All in favor, none opposed.*

**APPROVAL OF AGENDA:** *Mike Laporte made a motion to approve tonight’s agenda as presented. Supported by Nancy Beaudua. All in favor, none opposed.*

**APPROVAL OF MINUTES:** *Nancy Beaudua made a motion to approve the minutes of May 11, 2022 as presented, supported by Mike Laporte. All in favor, none opposed.*

**CORRESPONDENCE:** None

**PUBLIC HEARING (1):** Evan Rood (d.b.a. Rood’s Barbershop)  
602 S 8<sup>th</sup> Street  
74-07-049-0199-000  
Conditional Rezoning (R1-A to MD-2)

*Dan McCartney made a motion to open the public hearing, supported by Mike Laporte. All in favor, none opposed.*

*For those who would like to address the commission please come forward to the microphone, state your name and address.*

Evan Rood – 602 S 8<sup>th</sup> Street. I am here asking for conditional rezoning for my barbershop.

Dan McCartney – Just for the record the conditions being offered by the applicant are:

1. One chair barbershop on the first floor
2. Rent out 2<sup>nd</sup> floor apartment
3. Barber pole outside –
4. Window sign only to ordinance
5. Hours of shop operation
  - a. Tuesday – Friday 9 am to 5:30 pm
  - b. Saturday 9 am to 3:00 PM

c. Closed Sunday and Monday

Does anyone have anything they would like to add?

Fred Hayes – 709 Clinton Avenue. I live across from the barbershop. My question to Mr Rood is are you planning on moving out of this residence? You said you are planning on renting out the upstairs, are you going to be living in the basement now? This is a home occupation business and is what the ordinance code is all about.

Dan McCartney – Under the new Conditional Rezoning ordinance, which is what he is asking for. He is wanting to go from R1-A to MD-2 which would allow him to have this business there.

Fred Hayes – Ok, he is the one who came 3 years ago wanting the barbershop and wanted to live there and now he wants to move out of town and still have his business in the city. I think the business should move to the business part of town rather than have us who live on Clinton and Eighth Street have to live with a business there.

As far as the barber pole, this was brought up 3 years ago before council and they said the barber pole couldn't be outside because that was advertisement of a home business. He had to take it down.

Dan McCartney – Is there anybody else? If there is no one else, I will make a motion to close the public hearing. Supported by Mike Laporte. All in favor, none opposed.

**PUBLIC HEARING (2):** HM Construction  
1213 Clinton Avenue  
74-07-780-0003-000  
Conditional Rezoning (R2 to MD-1)

*Dan McCartney made a motion to open the public hearing, supported by Mike Laporte. All in favor, none opposed.*

Anthony Mills – 1231 Clinton Avenue and Nazih Hussein – 524 Marshall. We currently purchased 1213 Clinton so that we can help control what was next to us. We are hoping to put our own personal offices into the lower level not to have any traffic or meetings with the public. That is why we are asking for the conditional rezoning while we own the property.

Dan McCartney – The applicant is offering the following conditions:

1. Expand offices into lower level of house
2. Keep the upper level as a possible rental
3. Employees who utilize the new offices will park at 1231 Clinton and walk over. The parking at 1213 will be used by possible renters in the upper unit.

Dan McCartney – Is there anybody else? If there is no one else, I will make a motion to close the public hearing. Supported by Mike Laporte. All in favor, none opposed.

**NEW BUSINESS (1):** Evan Rood (d.b.a. Rood's Barbershop)  
602 S 8<sup>th</sup> Street  
74-07-049-0199-000  
Conditional Rezoning (R1-A to MD-2)

Dave Scurto – In terms of my review for conditional rezoning there really are no standards that we follow. What we do is follow the special land use standards in the ordinance. We have heard the conditions that the applicant is offering so I won't go over those. (*See attached to the minutes Dave's review*)

Dave continued with a list of possible conditions for the commission to look at which is beyond what was offered by the applicant.

- The maximum number of parking spaces allowed
- Location and size of barber pole
- Shut-off time of barber pole if illuminated
- Approving the screening as it exists
- Resolve variances as part of the rezoning

I have checked with a legal council from another community where we do quite a few of these and their legal opinion is that if there are known variances at the time of the vote you can take care of those variance at the planning commission and council stages. There is no need to go to the Zoning Board of Appeals. If something happens after the fact, that is not seen in front of the Commission then the variances would have to go through the ZBA.

Dee Boulter – I identified 3 set-back variances for this property. Front yard set-back variance needed is 2', the rear west set-back variance needed is 7' and a south yard set-back variance of 2'.

Dan McCartney – Where is the location of where you want to put the barber pole and what is the size of it?

Evan Rood – It will face Clinton and it is approximately 32" to 36". It will be hooked to a light switch and will only be on during hours of operations.

*Dan McCartney made a motion to recommend to send to Council for approval of rezoning from R1-A to MD-2 for 602 S 8<sup>th</sup> Street, 74-07-049-0199-000, based on the conditions that the applicant is offering:*

- *5 parking spaces to remain as they are*
- *Location and size of the barber pole will be on the front porch, near the front door facing Clinton Avenue. The pole will be approximately 32" and it will only be illuminated during business hours.*

- *The perimeter screening will remain as is*
- *The variances that are being asked to be approved are front yard – 2 feet, rear/west – 7’ and south yard – 2’ which keeps it as is today.*
- *One chair barbershop of first floor*
- *Rent out 2<sup>nd</sup> floor apartment*
- *Window sign to ordinance*
- *Hours of shop operation*
  - *Tues – Friday 9 a.m. – 5:30 p.m.*
  - *Saturday 9 a.m. – 3:00 p.m.*
  - *Closed Sundays & Mondays*

*Supported by Paul Wade.*

*Roll Call*

*Mike Laporte – No*

*McCartney – Yes*

*Grates – Yes*

*Griffor – Yes*

*Beaudua – Yes*

*Wade – Yes*

*Motion carries to send to Council for approval.*

**NEW BUSINESS (2):**                   HM Construction  
  1213 Clinton Avenue  
  74-07-780-0003-000  
  Conditional Rezoning (R2 to MD-1)

Dave Scurto – Read his review (*See attached review*)

I drove by there today and found that the drive is a horseshoe cut that goes around the house. On the east property line there is a 6’ vinyl privacy, the west side is blocked by the building next door, north side is the street, on the south side there is a garage and then an open space. There is a cyclone fence with some vines. If a car is pulling in on the north drive, it is possible that the headlights could shine onto the houses to the south.

Anthony Mills – We would put up a privacy fence, if allowed, in the back for the good of ourselves plus the neighbors behind.

*Matt Griffor made a motion to recommend to send to Council for approval of rezoning from R2 to MD-1 for 1231 Clinton Avenue, 74-07-780-0003-000, based on the applicants offering of conditions:*

- *Expand offices into lower level of the house*
- *Keeping upper level as a possible rental*

- *Employees who utilize the new offices will park at 1231 Clinton. Parking at 1213 will be used by possible renters in the upper unit*
- *Hours of operations will be:*
  - *Monday – Friday 7:00 a.m. to 5:00 p.m.*
  - *Saturday – 7:00 a.m. to 2:00 p.m.*
  - *Closed Sunday*
- *Maintain the existing screening where already present and install a vinyl privacy fence on the south property line between the garage and the west property line.*
- *Driveway will remain unpaved.*
- *No construction equipment or materials to be stored on-site.*
- *No signage on building*

*Supported by Mike Laporte.*

*Roll Call*

*Grates – Yes*

*Griffor – Yes*

*Beaudua – Yes*

*Wade – Yes*

*Mike Laporte – Yes*

*McCartney – Yes*

**SITE PLAN REVIEW:** St Clair Place Apartments III  
936 Brown Street  
74-07-057-0022-000

Dave Scurto – The applicant is proposing to construct 6 apartment buildings along with a management building. Buildings are lined north to south with a single loop around drive at the north of the property. This parcel is zoned R-3 multiple family residential.

Recommendation from Carlisle Wortman:

- Submission of architectural plans
- Lighting plan for site and parking – our biggest concerns are the eastside residents but need to address both sides
- Driveway width at Brown Street – engineering
- Pedestrian and bicycle access to Brown Street
- Screening along the east property line and headlights
- Landscape buffer – does need to be opaque
- Dumpster pad depth – engineering
- Irrigation

Dan McCartney – Thanks Dave. I will go over the Engineering review. They have 17 items listed.

- The Legal Description presented does not match the survey coordinates on the plans. Also, the northeast portion of the property in the Legal Description is not displayed on the plans and needs to be included.

- 2. Proximity to major thoroughfare and/or section corners needs to be included in some manner on the site plan.
  - Exterior lighting locations and illumination patterns needs to be included in the plans.
  - The proposed site is within a FEMA 100 Year Flood Zone, and should be indicated on the plans in some manner. Any wetlands on site should also be shown on the plans.
  - Parking tabulation needs to be revised to include parking for the proposed office building.
    - Label all drainage courses and existing culverts on site.
    - Concrete drive approaches and dumpster pads must be 8-inches thick.
    - ADA Ramps shall be noted where sidewalks cross the proposed driveway.
    - Dimensions must be provided for the proposed shed at the north end of property. If greater than 120 square feet in size, a 24-inch rat wall will be required.
  - Storm drainage must be maintained on site and not directed to adjacent properties.
    - Storm sewers must have a minimum cover of 3 feet.
    - A separate demolition plan should be provided.
    - Additional grades shall be provided throughout the site.
    - Bumper blocks are only provided in certain areas where curb and gutter is not proposed. Curb and gutter or bumper blocks shall be proposed at these locations.
  - Sanitary sewer must be 10-inch diameter minimum and be permitted through EGLE if there are multiple leads being served.
  - Water service provided for building #6 does not connect to the proposed water main.
  - Water and sanitary sewer detail sheets provided in the plan set should be eliminated and only the City of St. Clair standard detail sheets provided.

Nathan Waggner – Cash Waggner & Associates representing the developer and proposed buyer of the property.

Paul Wade – There are a lot of things to work out on the engineering side.

Nathan Waggner – We had a conversation with AEW this morning. For the most part we will get the drafting issues fixed up and some clarifications we will work out with them.

Paul Wade – Regarding the lighting a few members have brought up the fact that the lighting on the apartments on Clinton are very bright and shine down on the residents' properties on Tenth Street. What we would like to see on the residential side of the new apartments would be to eliminate the wall packs on the back side and have the entrances down lite. Maybe provide some lower lighting so that it doesn't shine directly into the residents' homes on

Highland Drive.

Nathan Waggnner – We can show a photometric plan that would show the foot candles and lighting.

Paul Wade – We are wanting to know if you could build up a 4' tall berm with vegetation along the bike path and residential side of the building.

Dan McCartney – I really wish this would have been done on Clinton. I would really like to see a berm between the bike path. I don't just want vegetation; I would like to see trees such as white pines, norway, or spruce.

The reason being, when you come up any of the side streets heading west towards the Clinton Street apartments and it is dark outside, that really lights up the neighbors back yards. I don't want to see that happening here. I think you really need to concentrate on knocking that down. Putting up evergreens on top of a berm will really help with this. This would make an instant cover from approximately 12 feet down and will just grow from there.

Nathan Waggnner – If you are ok that we use the detention basin dams as a combination of dams and berms I think that can be done. Building one is a little tight there but we may be able to get the berm on the other side of the creek.

Dan McCartney – When we look at the last building on the north end, is there a way to tie a sidewalk into the bike path? I am just thinking that with the number of units there some of those residence will like to go for a walk on the bike path. I am big into sidewalks.

There is no landscape showing in the front of the building and as a reminder, any landscaped areas must have lawn sprinklers via ordinance. I am passionate about the lighting, the berm, the landscaping/irrigation and the sidewalk at the north end connecting to the bike path.

Steve Grates – I agree with what you are saying regarding the evergreens on the berms, the lighting and landscaping.

Nancy Beaudua – I also agree with that.

Matt Griffor – I agree especially on the backside of those buildings. I like the natural buffering.

*Dan McCartney made a motion to table the site plan review until Nathan has a chance to go back and address the items we discussed. The next meeting will be in July. Mike Laporte supported. All in favor none opposed.*

Phil Lundman – I have no issues with the apartments going in on Brown Street, I am sure they are beautiful but I have been hearing rumblings about water and sanitary capacities. I heard at a council meeting that they were concerned about the run off of the water at the golf course.

Nathan Waggner – Is this something that we should be concerned about at this point?

*Dan McCartney made a motion to add a discussion of water and sewer capacity to the agenda. Nancy Beaudua supported. All in favor, none opposed*

Nathan Waggner – What is the worst-case scenario that this could happen?

Dan McCartney – Right now we don't have any authoritative information coming to us. What I have is rumblings of the sewer plant being at capacity. What I would like to do, along with a couple of other commissioners, that we as planning commission has a concern and would like this reviewed. We would like to recommend that council does a review to find out if this is factual.

I have only heard rumblings about the water plant but that is all.

Mike Laporte – We have talked about hiring Fishbeck to do a study on this.

Paul Wade – I think our concern is the amount of new construction we are bringing into the area. We just want to make sure that the City Fathers are looking at this and to make sure we have adequate supply.

Nathan Waggner – When I come back next month you are going to say that we can't proceed.

Dan McCartney – Planning is looking at what you have presented and working through all of it. If an outside Engineer or the State of Michigan were to come in and say that the city is at capacity and that we cannot take on anymore new construction.

Paul Wade – We have never added on this much at one time that I am aware of and we just want to have someone looking at it to be sure we are good.

*Dan McCartney made a motion that the planning commission recommends to council that they study the capacity of the sewer and water plants in the city. Nancy Beaudua supported. All in favor, none opposed.*

Dan McCartney made a motion to adjourn the meeting, supported by Mike Laporte.

Meeting Adjourned 8:45 pm.